

FOSHEE & TURNER COURT REPORTERS

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1 for me at that time -- wouldn't have been  
2 feasible for me at that time to relocate  
3 her because she's living with me.

4 Q You were offered that position  
5 twice, correct?

6 A I would say he put it to me  
7 like this branch in Andalusia has not  
8 been filled and it's not like he  
9 offered me -- he would come by like  
10 during the audit and say the branch in  
11 Andalusia, we interviewed a manager. She  
12 didn't work out for it and it's still  
13 opened, stuff like that. He made  
14 reference to it.

15 Q And you didn't want that  
16 position?

17 A No, not transferring to  
18 Andalusia.

19 Q Is it also true you were  
20 offered the position at Center 1664,  
21 which is the Dothan position on or about  
22 May 7, 2001?

23 A No, sir.

EXHIBIT

tabbies

(PART 3 OF 3)



# DEFENDANT'S EXHIBIT

**EMPLOYEE PERFORMANCE EVALUATION**

The Employee Performance Appraisal form has been designed to provide a means of evaluating, recording, and communicating employee performance. This appraisal shall be kept in the employee's Personnel file in the CSS Human Resources Department and may be used as a reference in the future.

Employee's Name: Dino Murchu Social Security No.: 203-83-5559 Title: Asst Manager Department/Office: K022 817 Date Due: 7/9/02

Period of Report From: SEPT 01 To: SEPT 01 Annual / Common ☐ Merit ☐ Promotion ☐ Other ☐

NOTE: SUPERVISOR SHOULD RATE EMPLOYEE ON THE JOB THEY ARE NOW DOING. PLEASE CIRCLE YOUR SELF RATED NUMBER FOR EACH CATEGORY.

**PARTS TO COMPLETE:**

**FIELD SUPPORT EMPLOYEES:** COMPLETE PARTS 1, 2, 4, 5, AND 6. Use scale A for final evaluation score.

**FIELD MANAGEMENT EMPLOYEES (for all employee's in a supervisory role):** COMPLETE PARTS 1, thru 6. Use scale B for final evaluation score.

## PART I - TO BE COMPLETED FOR ALL EMPLOYEES

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
<b>JOB KNOWLEDGE</b> Consider overall knowledge of duties and responsibilities for current position.	Just enough knowledge to get by. Needs close supervision. Often makes mistakes that need correcting.	A general understanding of the job but needs more experience and training.	Acceptable understanding of required knowledge. Possesses and demonstrates knowledge and skills needed to perform job. Requires minimal supervision.	Very knowledgeable in all details of the job. Effectively shares knowledge; uses knowledge to implement improvements.	Exceptional knowledge of the job and related details. Displays knowledge and expertise of sound management practices. Keeps technical knowledge current.
<b>QUALITY OF WORK/ ACCURACY</b> Consider the accuracy and dependability of work produced under normal conditions.	More than occasional mistakes. Consistently does not meet job requirements/standards. End product poor. Work often needed to be redone.	Minimal accuracy, neatness, carefulness, attention to detail, and frequently work must be redone.	Produces thorough, accurate and consistent work product. Applies good judgment. Strives for excellence. Proofreads for errors.	Seldom makes mistakes or errors. Consistently top quality producer.	Exceptional accuracy and overall quality rarely matched or exceeded.
<b>DEPENDABILITY</b> The degree to which an employee can be relied upon to complete a job in a timely manner and acceptable form.	Misses deadlines. Assignments are incomplete and / or inaccurate. Requires close supervision.	Reasonably dependable. Now ready to work without close supervision. Absenteeism and tardiness marginal.	Meets deadlines. Work is reliable, accurate, and complete. Generally dependable in fulfilling responsibilities.	Consistent. Consistently on the job working effectively. Can be counted on to complete assignments.	Exceptionally industrious, always working hard. Near perfect attendance.

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEET EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
<b>RELATIONSHIPS / ATTITUDE</b> Consider what type of work environment created.	Sometimes upsets others and produces unproductive conflict in the unit. Does not take constructive criticism well. 1	Gets along with most people. Has to be monitored for attitude and comments. 2	Promotes team spirit and relationships. Accepted by subordinates, peers and superiors. 3	A positive factor in team moral. Accepted, respected, cooperative and relates well. 4	Exceptional relationships with all supervisors & employees. Sensitive to others. 5
<b>INITIATIVE</b> Consider the degree to which an employee can be relied upon to complete a job in a timely manner and acceptable form.	Takes no responsibility to solve problems and tasks before asked. 1	Needs to be more resourceful in solving problems and undertaking new projects. 2	Suggests and develops procedures to make tasks easier and results more effective. Seeks increased responsibilities and assignments. 3	Initiates change when necessary. Generates ideas to solve problems and improve performance. Exhibits creativity. Receptive to new ideas. Encourages others to accept change. 4	Creates new and significantly unique approaches or ideas; and adapts corporate initiatives to the needs of own area. 5
<b>ACCOUNTABILITY</b> Consider employee's ability to deliver superior results in a team environment. Shows willingness to be judged by others.	Blames others for mistakes. Takes no responsibility for job tasks. 1	Recognizes mistakes and tries to correct or does not work to improve performance of responsibilities. 2	Is willing to accept responsibility for job-related decisions and actions. 3	Accepts responsibility for decisions and outcomes of work. "Owns" the job tasks. 4	Takes responsibility for starting, controlling, and concluding job tasks and assignments. Follows through on commitments. 5
<b>PROBLEM SOLVING</b> Consider how effectively the employee makes decisions; interprets policies; evaluate and analyze situations for alternative courses of action.	Does not look to resources available to assist in completing projects. Relies on others to suggest direction. 1	Should show sensitivity in handling problems with positive outlook. 2	Makes timely and effective decisions. Demonstrates effective problem solving skills. 3	Presents well considered and appropriate alternatives when making recommendations. 4	Establishes clear and concise courses of action in completing jobs most efficiently. 5
<b>COMMUNICATION SKILLS</b> Consider employee's ability to communicate, generate ideas, influence opinion. Encourage two-way discussions and debates.	Does not effectively present and express themselves to others both orally and in writing. 1	Has ability to relate to all employees and level of management but has problems expressing thoughts and ideas clearly. 2	Individual appropriately expresses themselves both orally and in writing. 3	Seeks, listens to, and understands others' views. Effectively communicates with appropriate individuals. Presents information clearly and accurately. 4	Effectively presents, exchanges, and receives information both orally and in writing. Promotes mutual understanding, respect, and productivity. 5
<b>ATTENDANCE</b> Consider employee's punctuality and dedication to job.	Continually tardy. Calls in sick and takes longer lunches than allowed. Uses sick time before time is accrued. Always asking how much vacation and sick time they have left. 1	Does not look at staffing of branch efficiencies when calling to take time. Thinks of self first. 2	Conscientious about attendance and punctuality. Adheres to time allotted for lunch and break periods. 3	Schedules time off in accordance to policy. Very dependable employee. 4	Maintains superior attendance. Often puts company needs first. 5
<b>ADHERENCE TO THE CREED</b> Consider how employee performs in accordance to Company creed.	Does not treat co-workers or customers with the appropriate respect they deserve. Does not comply with laws nor make consistently sound decisions. 1	Does not follow policies in all decisions. Does not work to develop good relationships with customers or co-workers. 2	Consistently works to foster positive relationships with customers and co-workers. 3	Treats customers and co-workers with respect. Complies with policies and procedures and uses good judgment. 4	Effectively develops relationships with co-workers, management, and customers. Respects the policies and law. 5
<b>SUBTOTAL SCORES</b>					



CATEGORY		UNSATISFACTORY		MEETS EXPECTATIONS		EXCEEDS EXPECTATIONS	
OVER / SHORT							
Consistently maintains cash in branches.		1		Consistently maintains account of monies in cash drawers.		5	
<u>PAST DUE FEES</u> Consistently minimizes Past Due Fees (Total past due accounts) (Total revenues)		1		3 Past Dues rate does not exceed 7.99% annually.		5	
<u>BUY BACK RATE</u> Maintains buyback rate of customers.		1		3 Buy Back rate no less than 96% annually.		5	

## PART II - TO BE COMPLETED FOR ALL FIELD EMPLOYEES

CATEGORY		UNSATISFACTORY		MEETS EXPECTATIONS		EXCEPTIONAL	
<u>CHARGE OFFS</u>							
Consistently minimizes Charge off amounts.		1		Charge Off rate does not exceed 7.99% annually.			5
(Total charge off accounts) (Total revenues)				3			
<u>NSFs</u>							
Consistently minimizes NSFs amounts.		1		NSF rate does not exceed 9.99% annually.			5
(Total NSF accounts) (Total receivables)				3			
<u>BOI %</u>							
Consistently maximizes BOI%.		1		Meets BOI Goal			5
Goal = ____ %							
<u>Field Check Growth</u>							
Field Check Growth				Achieved Field Check Growth Goal.			5
Goal = ____		1	2	3			
<u>Budgeted Revenue</u>							
Meets budgeted revenue goals.		1		Met Budgeted Revenue.			5
<u>QIR Audits</u>							
Consistently passes Quality Review Audits.		1		Achieved Satisfactory Quality Review Ratings.			5
<u>Payroll P&amp;L Costs</u>							
Consistently meets guidelines of established departmental labor costs.		1		Maintained Payroll P&L Goals.			5
			2				10

## PART III - TO BE COMPLETED FOR ALL MANAGEMENT EMPLOYEES

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
<b>JUDGEMENT / DECISION MAKING</b> Consider how manager evaluates situations, draws conclusions, and makes sound decisions.	Does not make sound decisions. Constantly wants others to make decisions for them. "Passes the buck".	Does not make decisions in a timely manner. Does not consider alternatives but waits for instructions on course of action.	Effectively considers appropriate alternatives and makes intelligent and logical decisions.	Carefully weighs alternatives and makes effective decision in a timely manner.	Interprets policy, evaluates alternatives situations for alternative courses of action. Makes sound rational business decisions.
<b>PLANNING / ORGANIZATION</b> Consider how manager plans and organizes work, follows procedures and makes efficient use of time.	Manager is unorganized. Displays poor follow through and does not consistently comply with policies and procedures or state and federal laws.	Needs to more effectively prioritize actions to achieve goals. Needs to use all resources made available to them in managing department and staff.	Manages time effectively to plan and completes work. Sets priorities effectively. Complies with state and federal laws as well as corporate policies and procedures.	Effectively organizes work and uses available resources (people, money, and time). Always follows state and federal laws as well as corporate policies.	Effectively establishes goals/objectives, prioritizes tasks, implements plans, etc.
<b>DELEGATION</b> Consider how manager utilizes subordinates skills and energies effectively and efficiently.	Does not utilize staff in achieving goals and objectives. Wants to handle entire workload.	Uses staff in accomplishing objectives. Does not recognize staff for their contributions.	Effectively organizes and delegates work to subordinates as efficiently as possible.	Delegates work to subordinates effectively and efficiently.	Delegates work to staff to maximize their abilities. Helps energize staff by empowering them to make decisions.
<b>LEADERSHIP / MOTIVATION</b> Consider how manager motivates staff, maintains morale and displays responsiveness.	Does not promote teamwork among employees. Displays favoritism among employees. Uses threats as motivation.	Does not involve self in managing staff. Does not treat employees fairly and consistently.	Promotes teamwork among employees. Treats employee's fairly and consistently.	Guides others to accomplish objectives / responsibilities. Respected by staff and peers.	Effectively trains and supervises staff to accomplish goals and objectives. Is sought after by peers for ideas and opinions of situations.
<b>RECRUITING / RETENTION</b> Consider how manager demonstrates effective staffing selections, rewards good employees and counsels poor performers.	Does not hire effective staff. Is not concerned about turnover. Does not look to reward staff for excellent contributions. "hires first warm body found instead of examining quality of employee".	Recruits staff but does not follow up on references and background checks. Does not counsel poor performers.	Recruits effective staff. Provides training where appropriate. Documents necessary performance issues in a timely manner.	Retains effective staff. Rewards good performance and assists in retraining efforts for those who need assistance.	Develops staff in immediate and long-term business goals and objectives.
<b>SUBTOTAL SCORES</b>					<b>GRAND TOTAL:</b> 51

## EMPLOYEE PERFORMANCE EVALUATION - CONTINUED

## PART IV - SUPERVISOR'S SUMMARY

A. Explain what objectives the employee will be required to meet by the next review date in the space provided below.

Diane Needs to show more initiative in goal setting on a daily & monthly basis. Also needs to work on planning in collections & marketing and be more proactive towards those areas. Finally needs to work on delegation and supervisor of others when given the opportunity. In closing, Diane needs to fine tune this areas of delegation planning for organization.

B. Explain what steps you plan to take toward improving employee's performance. Note training needs of employee. Attach detailed Action Plan if necessary.

I plan to show Diane how to be more proactive & set goals on a daily basis & monthly. Evaluate the present situation and make decisions from that evaluation.

C. Explain any significant achievements or contributions made to the company or office in the space provided below.

Diane shows great efforts in doing what it takes to get the job done, if that means staying late to achieve objective also recently Customer Appreciation Diane contacted Dave on short notice to come to the event and was a success. Finally our collection drive have improved with the help of Diane's teamwork.



## EMPLOYEE PERFORMANCE EVALUATION - CONTINUED

## PART V - EMPLOYEE PROMOTABILITY:

Improvement since last evaluation: Yes ☒ No ☐ No Change ☐ First Evaluation \_\_\_\_\_

Employee's potential for Advancement:

☒ Uncertain☐ Promotable with additional training and experience☐ Should be considered as a candidate for promotion when an appropriate position becomes available.

With additional training in initial delegation and being proactive in areas of the overall daily operations.

Supervisor's Signature \_\_\_\_\_

Employee's Signature \_\_\_\_\_

Date

7/12/02

Position Title

Division Training Manager

Do you expect to concur with evaluation?

☐ YES ☒ NO

(If employee does not concur with supervisor's evaluation, they should write an explanation below.)

## PART VI - EMPLOYEE'S COMMENTS, OPTIONAL:

My comments are with the initial delegation issues. Every day that I am here it takes the initial to make decisions on routine branchable due to my supervisor. I feel that the way I received is not a fair evaluation of my job knowledge & performance. I go about & beyond the call of duty & will do what I can to solve every problem of the job. I work hard with problem solving & know how to see a potential problem & counter act the problem. Continue d.

Employee's Signature: \_\_\_\_\_

Date:

8/12/02

## PART VII - COMMENTS OF NEXT HIGHER LEVEL OF MANAGEMENT:

Distribution:  
Personnel File

Next Higher Level Signature

Signature

Date: 8/12/02

Date: \_\_\_\_\_

Continued 1 of 1

I feel as though a low score on this evaluation is based on one person's interpretation of an isolated incident. I feel this is not a fair representation of my overall performance of the past year. I've always been told of the outstanding job in every area <sup>that I am doing</sup>. I feel Advance America is a great team to be on, with a lot of opportunities for advancement. I just want a chance for the opportunity for advancement to prove myself and my abilities that I have displayed so often. I look forward to continued success with Advance America team. D. M. 8/12/02

INT000050

SCALE A: FIELD SUPPORT (MAX. 100 POINTS)

20-35	UNSATISFACTORY
37-52	NEEDS IMPROVEMENT
53-68	MEETS EXPECTATIONS
69-84	EXCEEDS EXPECTATIONS
85-100	EXCEPTIONAL

SCALE B: FIELD MANAGEMENT (MAX. 125 POINTS)

25-44	UNSATISFACTORY
45-65	NEEDS IMPROVEMENT
66-85	MEETS EXPECTATIONS
86-105	EXCEEDS EXPECTATIONS
106-125	EXCEPTIONAL

**DEFENDANT'S  
EXHIBIT**



**ADVANCE AMERICA®**  
CASH ADVANCE CENTERS

Status Change Form

Email Authorization:

Name

Division Code:

Region Code:

401K Code:  
Branch Code:

Employee Name

Social Security Number

Employee Number

Effective Date  
of this Status

Hire Date

Address:

Street

Apt. #

City

State

Zip

Telephone Number

Spouse Name  
Children Name (s)

Birthday  
Birthday  
Birthday  
Birthday

Name  
Address

City

Phone

State

Zip

Wedding Anniversary

Relationship

Employment Information

Hire Code

Job Title

Job Status  
Full Time  
Part Time

Salary (complete only one)

Hourly Rate  
Annual Salary

Salary Change Code

Description

Current \$

New \$

Salary Change

Job Code Change

Current Title

Current Location

New Location

Current

Job Status  
Full-Time  
Part-Time

Performance Evaluation Score

Comments:

Job / Status  
Change

LOA

Leave Code

Anticipated Return Date

Comment

If terminated, place comments on Termination Report.

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Print DDO Name

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Date:

DDO Signature

Copy Distribution: 1 CSS 1 Employee File 1 DDO 1 RDO

INT000037



\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	1926
CONNECTION TEL	913347121846
SUBADDRESS	
CONNECTION ID	
ST. TIME	11/08 15:27
USAGE T	01'42
PGS. SENT	4
RESULT	OK

To: Matt Kentosh

CDS Profile 2000

Advance America

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Recruiting and Selection

Report For

DIANNE MURPHY

AM #1622 - ACTIVE

November 8, 2002

For questions concerning this report or orders for supplies please contact

INT000038

**DEFENDANT'S  
EXHIBIT**

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Page 1

## 2003 FIELD EMPLOYEE PERFORMANCE EVALUATION

The Employee Performance Appraisal form has been designed to provide a means of evaluating, recording and communicating employee performance. This appraisal shall be kept in the employee's personnel file in the CSS Human Resources Department and may be used as a reference in the future.

Employee's Last Name: **MURPHY**

Employee's First Name: **DIANNE**

Title: **BM**

Branch/Division/Region: **4656 R007**

Social Security #: **26-33-5593**

Review Due Date: **June 2007**

Review Period From: **June 2006**

Review Period To: **June 2006**

Reviewer Last Name: **KNOWLES**

Reviewer First Name: **JOHN**

Title: **DEO**

Branch/Division/Region: **R007**

Type of Performance Evaluation:

- ☒ Annual/Common Review  
☐ Promotion  
☐ Other

If "Other" is selected, give specific reason:

ENTER TEXT HERE

### SCALE A: SUPPORT

FIELD SUPPORT (MAX. 125 POINTS)

Minimum points

Maximum points

46

61

89

109

Rating

UNSATISFACTORY

NEEDS IMPROVEMENT

MEETS EXPECTATIONS

EXCEEDS EXPECTATIONS

### SCALE B: MANAGEMENT

FIELD MANAGEMENT (MAX. 150 POINTS)

Minimum points

Maximum points

50

70

111

130

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Evaluation Section

Page 1

**NOTE: SUPERVISOR SHOULD RATE EMPLOYEE ON THE JOB THEY ARE NOW DOING.**  
**PLEASE SELECT A NUMERIC RATING FOR EACH CATEGORY.**

**PART 1: - TO BE COMPLETED FOR ALL EMPLOYEES**

- ☐ FIELD SUPPORT EMPLOYEE: Complete parts 1,2,4,5, and 6. Scale A will be used for the final evaluation score.  
☒ FIELD MANAGEMENT EMPLOYEE (for all employees in a supervisory role): Complete parts 1 through 6. Scale B will be used for the final evaluation score.

**Performance Evaluation for:**

**MURPHY, DIANNE**

**Evaluation Period Through:**

**June 1, 2003**

June 1, 2005					
CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
Numeric Rating	1	2	3	4	5
JOB KNOWLEDGE					
Consider overall knowledge of duties and responsibilities for current position.	Just enough knowledge to get by. Needs close supervision. Often makes mistakes that need correcting.	A general understanding of the job but needs more experience and training.	Acceptable understanding of required knowledge. Possesses and demonstrates knowledge and skills needed to perform job. Requires minimal supervision.	Very knowledgeable in all details of the job. Effectively shares knowledge; uses knowledge to implement improvements.	Exceptional knowledge of the job. Displays knowledge and expertise of sound management practices. Keeps technical knowledge current.
MEETS EXPECTATIONS	The rating for JOB KNOWLEDGE is 3				

<u>QUALITY OF WORK / ACCURACY</u>	More than occasional mistakes. Consistently does not meet job requirements/standards. End product poor. Work often needs to be redone.	Minimal accuracy, neatness, carefulness, attention to detail, and frequently work must be redone.	Produces thorough, accurate and consistent work product. Applies good judgment. Strives for excellence. Proofreads for errors.	Seldom makes mistakes or errors. Consistently top quality producer.	Exceptional accuracy and overall quality rarely matched or exceeded.
MEETS EXPECTATIONS	The rating for QUALITY OF WORK / ACCURACY is 3				
COMMENTS:					

<u>DEPENDABILITY</u>		Misses deadlines. Assignments are incomplete and/or inaccurate. Requires close supervision.	Reasonably dependable. Now ready to work without close supervision. Absenteeism and tardiness marginal.	Conscientious. Consistently on the job working effectively. Can be counted on to complete majority of assignments.	Goes above and beyond all aspects of the job. Can work independently on assignments. Near perfect attendance.	Exceptionally industrious. Completes all assignments accurately & timely. Gets the job done. Perfect attendance.
MEETS EXPECTATIONS ▼		The rating for DEPENDABILITY is 3				
COMMENTS:						

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## Evaluation Section

Page 2

PART 1: - TO BE COMPLETED FOR ALL EMPLOYEES					
CATEGORY	UNSATISFACTORY 1	NEEDS IMPROVEMENT 2	MEETS EXPECTATIONS 3	EXCEEDS EXPECTATIONS 4	EXCEPTIONAL 5
<b>ADHERENCE TO THE CREED</b>					
Consider how employee performs in accordance to Company creed.	Does not treat co-workers or customers with the appropriate respect they deserve. Does not comply with laws nor make consistently sound decisions.	Does not follow policies in all decisions. Does not work to develop good relationships with customers or co-workers.	Consistently works to foster positive relationships with customers and co-workers.	Treats internal and external customers with dignity and respect. Complies with policies and procedures.	Effectively develops positive relationships with co-workers, management, and customers. Respects all policies and laws. Always uses good judgment.
<b>MEETS EXPECTATIONS</b>	<b>The rating for ADHERENCE TO THE CREED is 3</b>				
<b>COMMENTS:</b>					
<b>INTERPERSONAL RELATIONSHIPS / ATTITUDE</b>					
Consider what type of work environment created.	Sometimes upsets others and produces unproductive conflict in the unit. Does not take constructive criticism well.	Gets along with most people. Has to be monitored for attitude and comments.	Promotes team spirit and relationships. Accepted by subordinates, peers and superiors.	A positive factor in team moral. Accepted, respected, cooperative and relates well to others.	Exceptional relationships with all supervisors & employees. Sensitive to others.
<b>MEETS EXPECTATIONS</b>	<b>The rating for INTERPERSONAL RELATIONSHIPS / ATTITUDE is 3</b>				
<b>COMMENTS:</b>					
<b>INITIATIVE</b>					
Consider the degree to which the employee is a self-starter and can evaluate alternatives and take appropriate action without being told.	Takes no responsibility to solve problems and tasks before asked.	Needs to be more resourceful in solving problems and undertaking new projects.	Suggests & develops procedures to make tasks easier & results more effective. Seeks increased responsibilities and assignments.	Initiates change when necessary. Generates ideas to solve problems & improve performance. Exhibits creativity. Receptive to new ideas. Encourages others to accept change.	Creates new and significantly unique approaches or ideas; and adapts corporate initiatives to the needs of own area.
<b>NEEDS IMPROVEMENT</b>	<b>The rating for INITIATIVE is 2</b>				
<b>COMMENTS:</b>					
<b>Need to be more confident in yourself.</b>					
<b>ACCOUNTABILITY</b>					
Consider employee's ability to deliver superior results in a team environment. Shows willingness to be judged by others.	Blames others for mistakes. Takes no responsibility for job tasks.	Recognizes mistakes and attempts to correct or does not work to improve performance on responsibilities.	Is willing to accept responsibility for job-related decisions and actions. Good team member. Does not blame others for own actions.	Accepts responsibility for decisions and outcomes of work. Takes ownership for all job tasks. Takes initiative to recommend improvements and efficiencies where needed.	Takes responsibility for starting, controlling, and concluding job tasks and assignments. Follows through on commitments.
<b>MEETS EXPECTATIONS</b>	<b>The rating for ACCOUNTABILITY is 3</b>				
<b>COMMENTS:</b>					

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## Evaluation Section

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PART 1: -- TO BE COMPLETED FOR ALL EMPLOYEES					
CATEGORY	UNSATISFACTORY 1	NEEDS IMPROVEMENT 2	MEETS EXPECTATIONS 3	EXCEEDS EXPECTATIONS 4	EXCEPTIONAL 5
<b>PROBLEM SOLVING</b> Consider how effectively the employee makes decisions; interprets policies; evaluate and analyze situations for alternative courses of action.	Does not look to resources available to assist in completing projects. Relies on others to suggest direction.	Does not research situations and develop own solutions to problems. Relies on others to solve and develop course of action.	Makes timely and effective decisions. Demonstrates effective problem solving skills.	Presents well-considered and appropriate alternatives when making recommendations.	Establishes clear and concise courses of action in completing jobs most efficiently.
<b>MEETS EXPECTATIONS</b> ▼	<b>The rating for PROBLEM SOLVING is 3</b>				
<b>COMMENTS:</b>					
<b>COMMUNICATION SKILLS</b> Consider employee's ability to communicate, generate ideas, influence opinion. Encourage two-way discussions and debates.	Does not effectively present and express themselves to others both orally and in writing.	Has ability to relate to all employees and level of management but has problems expressing thoughts and ideas clearly.	Individual appropriately expresses themselves both orally and in writing.	Seeks, listens to, and understands others' views. Effectively communicates with appropriate individuals. Presents information clearly and accurately.	Effectively presents, exchanges, and receives information both orally and in writing. Promotes mutual understanding, respect, and productivity.
<b>NEEDS IMPROVEMENT</b> ▼	<b>The rating for COMMUNICATION SKILLS is 2</b>				
<b>COMMENTS:</b> Think through questions before asking.					
<b>ATTENDANCE</b> Consider employee's punctuality and dedication to job.	Continually tardy. Calls in sick and takes longer lunches than allowed. Uses sick time before time is accrued. Always asking how much vacation and sick time they have left.	Does not look at staffing of branch efficiencies when calling to take time off. Thinks of self first.	Conscientious about attendance and punctuality. Adheres to time allotted for lunch and break periods.	Schedules time off in accordance to policy. Very dependable employee.	Maintains superior attendance. Often puts company needs first.
<b>MEETS EXPECTATIONS</b> ▼	<b>The rating for ATTENDANCE is 3</b>				
<b>COMMENTS:</b>					
<b>SUBTOTAL SCORES for PART 1:</b>					<b>28</b>

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Evaluation Section

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**PART 2: - TO BE COMPLETED FOR ALL FIELD EMPLOYEES**

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
	1	2	3	4	5
<b>HELD CHECK GROWTH</b> Compare to the average number of held checks for the region/division then rank each branch or division.	Negative Growth	0 to 4.99% growth	5 to 9.99% growth	10 to 14.99% growth	15% or more growth
MEETS EXPECTATIONS ▼	The rating for HELD CHECK GROWTH is 3				
<b>COMMENTS:</b>					
<b>BUY BACK RATE</b> Maintains buyback rate of customers.	Buy Back rate is below 93%.	Buy Back rate is between 93.1 and 94.99%	Buy Back rate is 95%.	Buy Back rate is between 95.1 and 97%.	Buy Back rate is 97.1 % or above
EXCEEDS EXPECTATIONS ▼	The rating for BUY BACK RATE is 4				
<b>COMMENTS:</b> Average Buy Back = 96.7%					
<b>PAST DUE ACCTS</b> Consistently minimizes Past Due Accts (Past due % from daily reports)	Past due rate is above 10%.	Past due rate is between 8 and 9.99%.	Past Due rate does not exceed 7.99%.	Past due rate is between 7.9 and 5.9%.	Past due rate is 5.8 % or below.
EXCEEDS EXPECTATIONS ▼	The rating for PAST DUE ACCTS is 4				
<b>COMMENTS:</b>					
<b>NSF's</b> Consistently minimizes NSF's amounts. (Total NSF accounts) (Total receivables)	NSF rate is 12% and above.	NSF rate is between 10 and 11.99%.	NSF rate is between 9 and 9.99%.	NSF rate is between 7.51 and 8.99%.	NSF rate is 7.5% and below.
EXCEEDS EXPECTATIONS ▼	The rating for NSF's is 4				
<b>COMMENTS:</b>					
<b>CHARGE OFF's</b> Consistently minimizes Charge off amounts. (Total charge off accounts) (Total revenues)	Over budget by 1.5% or more	Over budget by .5% to 1.49%	Within budget by +/- .5%	Under budget by .5-1.5%	Under budget by 1.5% or more
EXCEEDS EXPECTATIONS ▼	The rating for CHARGE OFF's is 4				
<b>COMMENTS:</b>					

INT000028

Confidential

Evaluation Section

Page 5

**PART 2: - TO BE COMPLETED FOR ALL FIELD EMPLOYEES**

STANDARDIZED EMPLOYEES					
CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
Numeric Rating	1	2	3	4	5
QR AUDITS					
Consistently passes Quality Review Audits.	Does not meet standard on pass rate, 75% or less. Store: Failed last audit.	Does not consistently pass all audits between 84.9 to 75%	Meets standard and passes 85 to 89.8% on all audits. Store: Meets standard and passed last audit.	Surpasses standard and passes 90 to 94.9% on all audits. Store: Meets standard and exceeded last audit.	Surpasses standard and passes 95% + on all audits. Store: Meets standard and exceeded last audit.
Average of QR, DDO & RDO Audits					
EXCEEDS EXPECTATIONS	The rating for QR AUDITS is 4				

COMMENTS: AI Audit Score 93%

<b>BUDGETED REVENUE</b>					
Meets budgeted revenue goals	-3.1% or more	-3 to .01%	0 to 4.99%	5 to 7.99%	8% or greater
MEETS EXPECTATIONS	The rating for BUDGETED REVENUE is 3				

COMMENTS:

<b>MAINTAIN PAYROLL BUDGET</b>					
Consistently meets guidelines of established departmental budget and payroll costs	-3.1% or more	-3 to .01%	Maintain budget within + / - 1%	1.1% to 4.99%	5% or greater
MEETS EXPECTATIONS	The rating for MAINTAIN PAYROLL BUDGET is 3				

COMMENTS:

<b>OVER / SHORT</b>					
Consistently maintains cash in branch	-3.1% or more	-3 to .01%	Maintain budget within + / - 1%	1.1% to 4.99%	5% or greater
MEETS EXPECTATIONS	The rating for OVER / SHORT is 3				

COMMENTS:

INT000029





Confidential

## Evaluation Section

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**PART 3: -- TO BE COMPLETED FOR ALL FIELD MANAGEMENT EMPLOYEES**

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
NUMERIC RATING	1	2	3	4	5
JUDGMENT / DECISION MAKING					
Consider how manager evaluates situations, draws conclusions, and makes sound decisions.	Does not make sound decisions. Constantly wants others to make decisions for them. "Passes the buck".	Does not make decisions in a timely manner. Does not consider alternatives but waits for instructions on course of action.	Effectively considers appropriate alternatives and makes intelligent and logical decisions.	Carefully weighs alternatives and makes effective decisions in a timely manner. Considers impact of actions in advance.	Interprets policy, evaluates and analyzes situations for alternative courses of action. Makes sound rational business decisions.
MEETS EXPECTATIONS					
COMMENTS:	The rating for JUDGMENT / DECISION MAKING is 3				

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
PLANNING / ORGANIZATION					
Consider how manager plans and organizes work, follows procedures and makes efficient use of time.	Manager is unorganized. Displays poor follow through and does not consistently comply with policies and procedures or state and federal laws.	Needs to more effectively prioritize actions to achieve goals. Needs to use all resources made available to them in managing department and staff.	Manages time effectively to plan and completes work. Sets priorities effectively. Complies with state and federal laws as well as corporate policies and procedures.	Effectively organizes work and uses available resources (people, money, and time). Always follows state and federal laws as well as corporate policies.	Effectively establishes goals/objectives, prioritizes tasks, anticipate problems, implements plans, etc. Establishes procedures to monitor processes, tasks, and the activities of others.
MEETS EXPECTATIONS					
COMMENTS:	The rating for PLANNING / ORGANIZATION is 3				

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
DELEGATION					
Consider how manager utilizes subordinates skills and energizes effectively and efficiently.	Does not utilize staff in achieving goals and objectives. Wants to handle entire workload.	Uses staff in accomplishing objectives. Does not recognize staff for their contributions.	Effectively organizes and delegates work to subordinates efficiently and effectively.	Allows employees to use their talents and creativity, creating an environment of trust and open discussion.	Delegates work to staff to maximize their abilities. Helps energize staff by empowering them to make decisions.
MEETS EXPECTATIONS					
COMMENTS:	The rating for DELEGATION is 3				

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
LEADERSHIP / MOTIVATION					
Consider how manager motivates staff, maintains morale and displays responsiveness.	Does not promote teamwork among employees. Displays favoritism among employees. Uses threats as motivation.	Does not involve self in managing staff. Does not treat employees fairly and consistently.	Promotes teamwork among employee's. Treats employee's fairly and consistently.	Guides others to accomplish objectives / responsibilities. Respected by staff and peers.	Effectively trains and supervises staff to accomplish goals and objectives. Is sought after by peers for ideas and opinions of situations.
MEETS EXPECTATIONS					
COMMENTS:	The rating for LEADERSHIP / MOTIVATION is 3				

INT000031

**Confidential**

## Evaluation Section

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**ENTER YOUR TEXT HERE - TO BE COMPLETED FOR ALL FIELD MANAGEMENT EMPLOYEES**

CATEGORY	UNSATISFACTORY	NEEDS IMPROVEMENT	MEETS EXPECTATIONS	EXCEEDS EXPECTATIONS	EXCEPTIONAL
Numeric Rating	1	2	3	4	5
<b>RECRUITING / RETENTION</b>					
Consider how manager demonstrates effective staffing selections, rewards good employees and counsels poor performers.	Does not hire effective staff. Is not concerned about turnover. Does not look to reward staff for excellent contributions. "Hires first warm body found instead of examining quality of employee".	Recruits staff but does not follow up on references and background checks. Does not counsel poor performers.	Recruits effective staff. Provides training where appropriate. Documents necessary performance issues in a timely manner.	Retains effective staff. Rewards good performance and assists in retraining efforts for those who need assistance.	Develops staff in immediate and long-term business goals and objectives.
MEETS EXPECTATIONS	The rating for RECRUITING / RETENTION is 3				

**COMMENTS:**

ENTER YOUR TEXT HERE

**SUBTOTAL SCORES for PART 3: 15****PART 1:**

**CATEGORY**  
Total Rating:  
Total Points:

**UNSATISFACTORY**  
0  
0

**NEEDS IMPROVEMENT**  
2  
4

**MEETS EXPECTATIONS**  
8  
24

**EXCEEDS EXPECTATIONS**  
0  
0

**EXCEPTIONAL**  
0  
0

**PART 2:**

**CATEGORY**  
Total Rating:  
Total Points:

**UNSATISFACTORY**  
0  
0

**NEEDS IMPROVEMENT**  
0  
0

**MEETS EXPECTATIONS**  
5  
22.5

**EXCEEDS EXPECTATIONS**  
5  
30

**EXCEPTIONAL**  
0  
0

**PART 3:**

**CATEGORY**  
Total Rating:  
Total Points:

**UNSATISFACTORY**  
0  
0

**NEEDS IMPROVEMENT**  
0  
0

**MEETS EXPECTATIONS**  
5  
15

**EXCEEDS EXPECTATIONS**  
0  
0

**EXCEPTIONAL**  
0  
0

**GRAND TOTAL: 96****Rating based on your score: MEETS EXPECTATIONS (MAX. 150 POINTS)****PART 4 - SUPERVISOR'S SUMMARY**

A. Explain what objectives the employee will be required to meet by the next review date in the space provided below. (use additional paper if necessary)

1 - Read a minimum of one management/leadership book, such as the One Minute Manager series, to enhance your leadership abilities. 2 - Exceed 325 held checks by end of next rating period.

INT000032

**Confidential****Evaluation Section**

Page 9

B. Explain what steps you plan to take toward improving employee's performance. Note training needs of employee. (use additional paper if necessary)  
Continue to give feedback and guidance in all areas of operation. Give training both in the class room and one on one in all areas of Policy and Operations.

C. Explain any significant achievements or contributions made to the company or office in the space provided below. (use additional paper if necessary)  
Met or exceeded all south zone goals. Manage of the Month Award.

**PART 5 - EMPLOYEE PROMOTABILITY:**

Improvement since last evaluation: ☒ Yes ☐ No ☐ No Change ☐ First Evaluation

Employee's potential for Advancement:

- ☒ Do not recommend advancement at this time.  
☐ Promotable with additional training and experience  
☐ Should be considered as a candidate for promotion when an appropriate position becomes available  
☐ Other Enter comment below:

ENTER TEXT HERE

Supervisor's Signature:

KNOWLES, JOHN



Date:

8-8-03

Position Title:

DDO

Employee's Signature:

MURPHY, DIANNE



Date:

8-8-03

Do you concur with evaluation? Check One:

☒ YES☐ NO

(If employee does not concur with supervisor's evaluation, they should write an explanation below.)

**PART 6 - EMPLOYEE'S COMMENTS, OPTIONAL:**

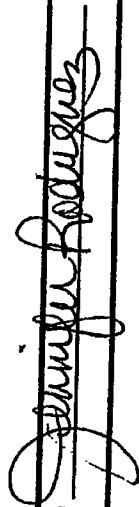
Employee's Signature:

MURPHY, DIANNE

Date:

**PART 7****- COMMENTS OF NEXT HIGHER LEVEL OF MANAGEMENT:**

Next Higher Level Signature



Date:

8/22/03

**PRESENT RATE**

23004.8 PRO-RATED INC \$

437.09

**NEW SALARY**

23441.89

INT000033

DEFENDANT'S  
EXHIBIT



# EMPLOYEE COUNSELING REPORT

DIANNE MURPHY  
Employee Name:

263-83-5559  
Social Security #

1653  
Location Number

8/3/2004  
Date of Counseling

FINAL WARNING / SUSPENSION  
Type of Counseling

OTHER - LISTED BELOW  
Type of Violation

Previous Counseling Issue  
Date of Last Counseling  
Type of Last Counseling

Reason for Counseling Session:  
Other or Additional: Federal Fair Debt Collection Practices

In violation of Federal Law - to wit: The Fair Debt Collections Practices, and Company Policy, you allowed your subordinate, Shireka Cohen, to contact and leave detailed messages regarding a customers account with third party contacts. Also in violation of same, false names were used and left with third parties in an attempt to deceive the customer into calling a number other than the branch number. Also in violation of same, threatening remarks were left with third parties in an attempt to frighten the third parties into pressuring the customers to contact or pay you. Also, in violation of same, messages were left on third parties answering machine detailing the customers information. Any further violation of the Fair Debt Collection Laws and Company Policies regarding collection practices will result in your immediate termination.

Employee Comments: Any thing that I am being accused of at this time I have no recollection of the accusations. I ask to hear & see evidence that's implicating was refused. I feel that if I am being implicated for something I have the right to know & see all evidence. I was told it would be either this or my job and I don't see where that is right. The Cust. has never contacted me as a problem & I can not do anything about a situation I don't know exist. I will not sign until I consult with some one who could give me more detail is  
X Employee Refused to Sign X

Employee Signature and Date  
[Signature] 8/3/04

Witness Signature and Date  
[Signature]

DDO / RDO Signature and Date

Signed, Completed Copy MUST be Faxed to Your Designated HR Representative -- 4003



JUN. 18. 2005

2:24AM

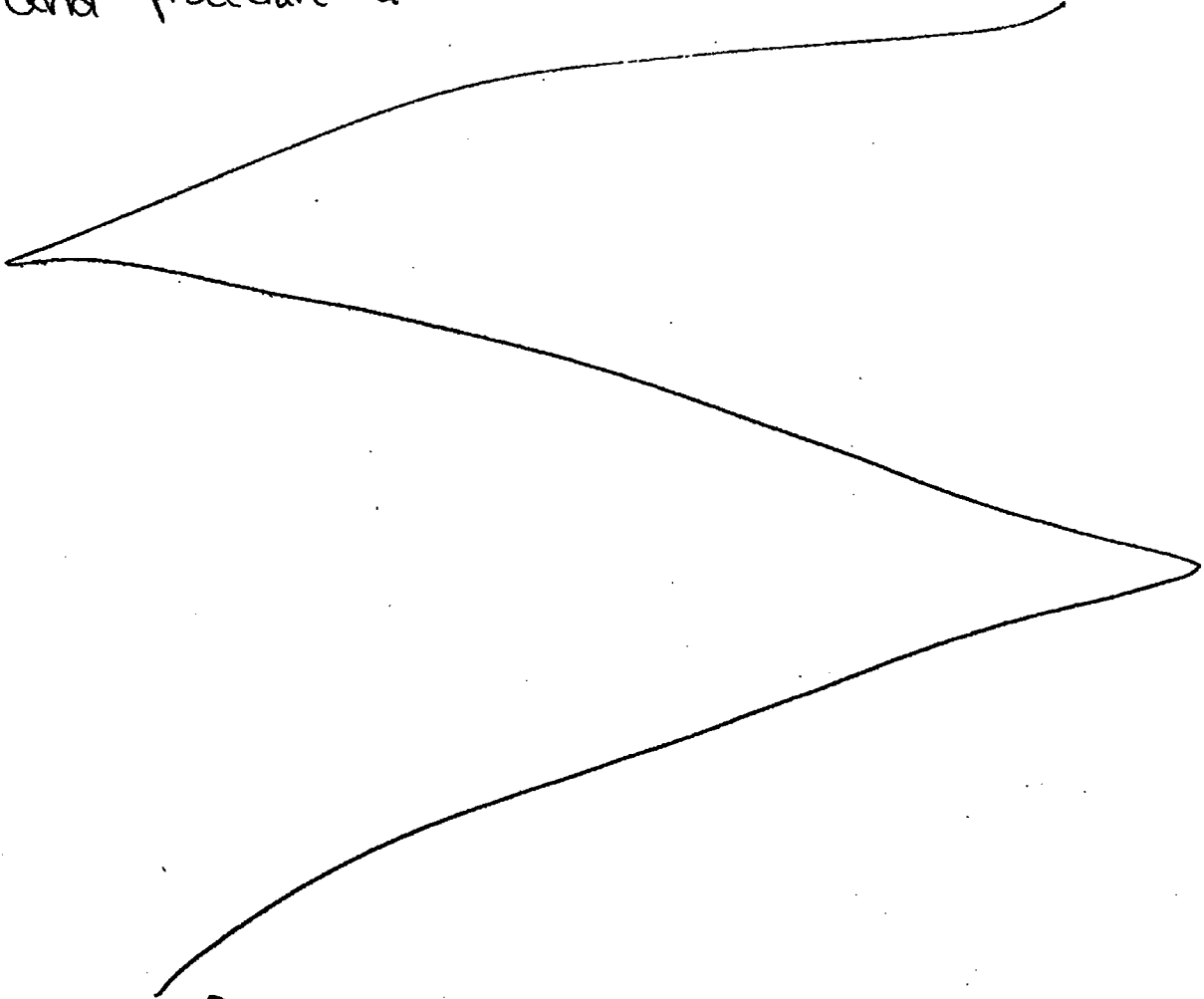
JOHN KNOWLES

NO. 564

P. 3



into what is going on. Because this really hit me from my blind side and I was not aware of the problem. ~~She~~<sup>Pr</sup> I've spoken w/ Mrs. Craig on several occasions and she have not indicated that she felt she was being harassed. I was not aware at ~~that~~<sup>or any</sup> time that any laws was being violated. I will be more observant of my self & CSR to make certain we are following policy and procedure at all time. End of statement



INT000021

JUN 18 2005 2:26AM

JOHN KNOWLES 320

Jul 26 2004 14:58 NO.564

P.6

AA

08/07

## Advance America / National Cash Advance

## CUSTOMER SERVICE INQUIRY

To: John Knowles Branch Location: 1653 Ozark  
 (DDO) 1664 334-673-8312 AL

The customer listed below contacted CSS for assistance with the described problem that occurred at a branch in your Division. You are requested to contact the customer within four hours of receipt of this fax to resolve the situation.

After contacting the customer, please forward an explanation of the resolution to your RDO and to CSS at 864-515-5620.

Date: 7/26 2:43pm ☐ Vmail / Email ☒ Live

Customer Name: "Angela Craig"

Address: \_\_\_\_\_

Phone: 334-445-1126 445-2197

Description of Inquiry: Requesting payment arrangements  
Very rude employees

Resolution: Spoke w/ MS Craig @ 6:15 PM - Made  
Payment arrangements to start Aug 04 -  
Notified Branch Manager -

By: John Knowles Date: 7/26/04  
 (DDO)

cc: RDO Freddie Zierbel 866-728-4348

CSS Operator Tammy K5744

G

**ADVANCE AMERICA/NATIONAL CASH ADVANCE****Traditional States DDO AUDIT**

To Maintain Form Integrity, Rename This File Before Saving It.

Review Date: 12/16/2004 Location Manager: DIANE MURPHY  
 Location Number: 1622 Divisional Director: JOHN KNOWLES  
 Site Location: ENTERPRISE Regional Director: BRENDA STEWART  
 Name of Person Conducting Audit: JOHN KNOWLES Title of Person Conducting Audit: DDO  
 State Of: AL

Current Held Checks: 258 MTD Buy Back Percentage: 99.2%  
 Maximum Held Checks: 328 Overdue Percentage: 5.4%  
 MTD Held Checks +/-: 17 NSF Percentage: 10.9%  
 PCO \$ Current Month: \$1,823 YTD Charge Off Percentage: 18.5%  
 PCO \$ Next Month: \$2,640

**Previous 2 Internal Audit Results**

Date	Score	Pass	Fail	Location Manager
8/12/2004	PASS			ED FINNEGAN

**Previous 2 DDO Audit Results**

Date	Points Earned	Possible Points	Location Manager
11/2/2004	415	470	DIANE MURPHY
9/21/2004	428	464	DIANE MURPHY

Each question in the DDO Audit is assigned a point value. Please refer to the assigned point values listed below.

Company Violation	1 point	Potential Federal Law Implication	4 points
Best Practices Violation	2 points	Evidence of Manipulation	5 points
Potential State Law Implication	3 points	Failure to Meet Numeric Goals	5 points
Cash Control/Security Violation	3 points	Evidence of Gross Violation	10 points

NOTE: A signed copy of this DDO Audit must be left at location upon completion.

**DEFENDANT'S  
EXHIBIT**

10

**SECTION A - DAILY OPERATIONS****1. Team Member and Location Appearance**

- a) Does each Team Member's appearance reflect the standard set forth in the Team Member Handbook?

Y
---

Assigned Point Value	Points Earned
1	1

**Review the physical appearance of the Location for the following:**

- b) Is the carpet clean?  
 c) Are windows and ledges clean?  
 d) Are counters/desk areas dusted and clutter free?  
 e) Is back area neat and clean including microwave and refrigerator?  
 f) Are the interior and exterior lights functioning?  
 g) Is the exterior sign timer set and lights illuminated when appropriate?  
 h) Are ceiling tiles clean and uniform?  
 i) Are Team Members' personal items out of view from the customers?  
 j) Is restroom(s) neat and clean?  
 k) Are air filters changed according to maintenance plan?

Y
Y
Y
Y
Y
Y
Y
Y
Y
Y

1	1
1	1
1	1
1	1
1	1
1	1
1	1
1	1
1	1
1	1

**2. Signs and Notices**

- a) Is the Fee Schedule visible, accurate and in good condition?  
 b) Is the Returned Check Fee sign visible, accurate and accessible?  
 c) Are applicable State/Local licenses present, visible, and current?  
 d) If "other" signage is present, has it been approved by the Regulatory Department and/or the appropriate Bank?  
 e) Are Federal, State, local labor law posters correct/displayed where Team Members can easily view them?  
 f) Is the Customer Comment Sign conspicuously posted?  
 g) Are our Creed and CFSA posters neat, clean, not faded, and displayed?  
 h) Are Privacy Notices accessible to the customer?  
 i) Are window graphics approved, not faded, replaced if needed, and accurate?  
 j) Is Signs Hotline poster evident and displayed where Team Members can easily view it?

Y
Y
Y
Y
Y
Y
Y
Y
Y
Y

3	3
3	3
3	3
4	4
4	4
1	1
1	1
4	4
1	1
1	1

**Comments**

--	--

**Action Plan**

Who:


Target Date:


Person(s) Responsible For Training:


Specific Steps for Compliance:

Operations Manual Policy Reference:


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**SECTION A - DAILY OPERATIONS (continued)**

### 3. Cash Audit

- Are Team Members adhering to company guidelines regarding loose change or bills?
- Do all cash drawers and the safe balance?
- Are all cash Drawer Balance and Safe Balance Receipts signed by appropriate Team Member(s)?
- Can the Assistant Manager or CSR explain the "Banker" procedure in detail?
- Are cash drawers locked at all times and keys secured on the Team Member?
- Are cash drawer levels acceptable?

Y
Y
Y
Y
Y
Y

Assigned Point Value	Points Earned
3	3
3	3
3	3
3	3
3	3
3	3

#### 4. Transaction Closing, and Consecutive Transaction Program

**Review transaction closing for the following:**

- Is the preferred method of payout explained?
- Is the due date, time (if allowed), and amount due explained?
- Does the Team Member dictate terms of the transaction?
- Is a copy of agreement, signed by both parties, given to customer (nothing on top)?
- Is the APR verbally disclosed?
- Is the Privacy Notice(s) handed out at appropriate times?
- Can Team Members explain when Privacy Notices must be distributed (UPDAN)?
- Does the due date on the agreement match the due date agreed upon during the transaction closing?

[illegible]

1	1
1	1
1	1
4	4
4	4
4	4
4	4
4	4

**Review CFSA Consecutive Transaction program for the following:**

- j) Are materials handed out at appropriate times?
- j) Are materials explained to the customer?
- k) Is the customer given second brochure according to the Operations Manual?
- l) Can Team Members verbally explain CFSA and some of the 11 Best Practices?

Y	Y	Y	Y
---	---	---	---

2	2
2	2
2	2
1	1

## Comments

Comments

### **Action Plan**

Action Plan	
Who:	<div> <div></div> <div></div> <div></div> <div></div> </div>
Target Date:	<div> <div></div> <div></div> <div></div> <div></div> </div>
Person(s) Responsible For Training:	<div> <div></div> <div></div> <div></div> </div>
Operations Manual Policy Reference:	<div> <div></div> </div>
Specific Steps for Compliance:	



## SECTION A - DAILY OPERATIONS (continued)

## 5. Paperwork Review

**List dates audited:**

[illegible]

**Review 14 random days of the daily paperwork for the following:**

- Do deposit slips balance and match the bank validation and the End of Day reports?
- If discrepancies are evident, is a reasonable explanation documented by Team Members?
- Are deposit slips itemized correctly?
- Do all items listed on the deposit slip match the End of Day Reports?
- Are copies of the deposited cashiers' checks and money orders attached to the End of Day Report?
- Are mid-day deposits made where/when as required?
- Are Deposit Tracking Sheets completed and signed correctly?
- Are the appropriate number of cash counts being performed daily? (opening, mid-day, banker-switch, EOD)
- Are Team Members adhering to all company guidelines regarding cash handling procedures?
- Are all voided checks and documents accounted for and marked "void"?
- Do void receipts have a clearly written explanation?
  - Are all rescissions in compliance with company policy?
  - Are all transactions completed before End of Day close?

**Review the Cash Disbursement Log since the last DDO audit for the following:**

- n) Are all cash disbursements receipts signed, accounted for, reasonable, and properly coded in Advantage?

Assigned Point Value	Points Earned
3	3
3	3
3	3
3	3
3	3
3	3
3	3
3	3
3	3
5	5
5	5
3	3
4	4
5	5

5	5
---	---

### Comments

### **Action Plan**

**Who:**

**Target Date:**

**Person(s) Responsible  
For Training:**

### Specific Steps for Compliance:

**Operations Manual  
Policy Reference:**

## SECTION A - DAILY OPERATIONS (continued)

## 6. General Compliance

Is the 40-Minute Paid Break log current and complete for all Team Members? (where applicable) —

- a) Are Team Members adhering to company guidelines regarding the Gramm-Leach-Bliley Act (GLBA)?  
 b) Are Team Members adhering to the policy regarding not disclosing fees/APR over the telephone?  
 c) Is the location using the most recent Operations Manual?

Y
Y
Y

Assigned Point Value	Points Earned
----------------------	---------------

4	4
4	4
10	10

Does the Operations Manual have all Team Member signatures? —

- d) Are Team Members adhering to company guidelines for issuing advances to eligible individuals?  
 e) Are files using Military Power of Attorney compliant with company policy?  
 f) Is there proper documentation for all cleared checks - less than 60 days outstanding?  
 g) Are all current, documented per policy copies of all Team Member timesheets within the Team Member files?  
 h) Is the DDO Approval Log up to date and accurate per DDO records? (points for bank states only)

Y
Y
Y
Y

4	4
4	4
10	10
4	4
0	0

## 7. Denial/Incomplete Application Files

- a) Do all denied/incomplete customer files have a copy of the correct notices?  
 b) Are the notices properly completed and free of alterations or hand-written comments?  
 c) Are the files maintained in a separate location from all other files?

Y
Y
Y

4	4
4	4
4	4

## Comments


## Action Plan

Who:	Target Date:	Person(s) Responsible For Training:
Specific Steps for Compliance:	Operations Manual Policy Reference:	

## SECTION A - DAILY OPERATIONS (continued)

## 8. Bankruptcies

Y
Y
Y
Y

Assigned Point Value	Points Earned
1	1
1	1
1	1
1	1

- a) Does each file have a bankruptcy case number, filing date, and name and phone number of attorney?  
b) On Chapter 13, has the Proof of Claim form been completed correctly?  
c) If a customer is no longer in bankruptcy, are discharge or dismissal papers in the file and appropriate action taken?  
d) Did Team Members obtain a qualifying bank statement and pay stub for customers who conducted transactions after being removed from bankruptcy?  
If a customer in bankruptcy has a returned check, is a copy of the Advantage bankruptcy letter in the file? (Doesn't apply in Bank States)

## 9. Forms

Y
Y
Y
Y
Y
Y
Y

Are the correct versions of the following forms being used?

- a) Application  
b) Terms and Conditions  
c) Crash Package Agreements  
d) Notice of Incomplete Application  
e) Notice of Denial/Adverse Action  
f) Privacy Notice Brochure  
g) Customer Information Log (not measured in CA)

4	4
4	4
4	4
4	4
4	4
4	4
4	4

## Comments

## Action Plan

Who:

Specific Steps for Compliance:

Target Date:

Person(s) Responsible For Training:

Operations Manual Policy Reference:

Total Possible Points	Total Points for Correct Questions
219	219
Section Score	100.0%

## SECTION A - DAILY OPERATIONS RESULTS

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## SECTION B - SECURITY

[illegible]

## 1. Location Security

- a) Do Team Members know the location of the most current Loss Prevention Kit?
- b) Do Team Members have separate alarm codes?
- c) Is the security company's call list current?
- d) Are the security camera and monitor working?
- e) Is the time lapse recorder on, with the proper tape and an accurate time and date stamp? (if applicable)
- f) Is the Location free of any handwritten or printed safe combinations?
- g) Is the back door secured?
- h) Is the trash taken out front door?
- i) Is the alarm system tested quarterly?
- j) Do the Team Members know about and understand how to use the "Buddy System" at closing?
- k) Do the Team Members know about and understand how to use the "Sister Branch Program"?
- l) Do the Team Members know about and understand how to use the "Duesess" Code?
- m) Do the Team Members know about and understand how to use the panic button?
- n) Are workstations logged off when not in use?

[illegible]

### Comments

### **Action Plan**

**Who:**

**Target Date:**

**Person(s) Responsible For Training:**

**Person(s) Responding For Training:**

**Operations Manual Policy Reference:**

### Specific Steps for Compliance:

Total Possible Points	Total Points for Correct Questions
42	42
Section Score 100.0%	

## SECTION B - SECURITY RESULTS

## SECTION C - CHECK & FILE AUDIT

## 1. Check Audit

[illegible]

- a) Are you able to account for all checks (includes all active Held, NSF, Bankruptcy, & Charge Offs)?
- b) Are all checks negotiable and written for the correct amount?
- c) Are all checks signed by the AANCA account holder/authorized user of the checking account?
- d) Are all checks properly dated?
- e) Are all checks payable to correct payee (no abbreviations)?
- f) Does the number on each held check match the check number recorded in Advantage?
- g) Is a new check accepted for each customer transaction?
- h) Are all checks drawn on personal bank accounts?
- i) Are all counter checks accepted as defined in the Operations Manual?
- j) Have all "PAID" checks been returned?
- k) Have past due checks been held within the allowable maximum number of days?
- l) Have all returned checks been properly stamped *For Deposit Only*?
- m) Is one full Held Check Audit performed weekly and properly documented?
- n) Are the 4 check audit reports retained and signed (Active Held Check, Returned Items, NSF Prepaid Card, and NSF Charge Offs)?
- o) Are DDO-documented bank bags stored and undisturbed?

Assigned Point Value	Points Earned
3	3
3	3
3	3
3	3
3	3
1	1
10	10
3	3
3	3
3	3
3	3
1	1
1	1
1	1
1	1
1	1

### Comments

## **Action Plan**

**Who:**

**Target Date:**

**Person(s) Responsible  
For Training:**

### Specific Steps for Compliance:

**Operations Manual  
Policy Reference:**



## SECTION C - CHECK AND FILE AUDIT (continued)

2. Customer File Exceptions - (NOTE: In this section, the separate CUSTOMER FILE EXCEPTIONS WORKSHEET automatically calculates the overall totals for both columns A & B. It is not required to input numbers in these columns if the worksheet is completed properly. Also, see CUSTOMER FILE EXCEPTIONS WORKSHEET for comments.)

Review at least 20 (twenty) active customer files, including (preferably) 10 new customers.

- Any discrepancies regarding the customer's name have been explained?
- Customer's social security number is correct and without any discrepancies?
- There are no discrepancies regarding the customer's home phone number and/or address?
- There are no discrepancies regarding the pay frequency, amount or pay date?
- All customer files and agreements are accounted for?
- All transactions and agreements are free of any evidence of any manipulation?
- Are agreements free of alterations and faded tones?
- Is it evident that the customer has only 1 outstanding account/transaction (or 2 if allowed by state)?
- Are customer folders stamped "Confidential" and free of personal or experience-related information on the cover?
- Is all paperwork properly signed and dated by the customer and Team Member?
- Is the application 100% completed, and are changes initialed by the account holder?
- Does the customer file contain evidence of two forms of proper ID, as stated in the Operations Manual?
- Does the file include required income source or verification, per Operations Manual?
- Does the file include required bank statement or verification, per Operations Manual?
- Are the proper state specific Terms and Conditions on the back of all agreements, right side up?
- Is the correct itemization of Amount Financed, APR, and Finance Charges properly disclosed in all crash package documents?
- Are changes due to updates documented by a signed Customer Information Summary sheet?

Assigned Point Value	Points Earned
A	B
4	4
4	4
4	4
4	4
4	4
5	5
5	5
4	4
4	4
5	5
4	4
4	4
4	4
4	4
4	4
3	3
10	10
1	1

Comments

Action Plan

Who:

Lisa Taylor

Target Date:

Immediate

Person(s) Responsible For Training:

Diane Murphy

Specific Steps for Compliance:

Operations Manual Policy Reference:

A-1

Application for two customers date different than first transaction - no pending or denial letter in file.

Total Possible Points	115
Correct Questions	111
Section Score	96.5%

## SECTION C - CHECK &amp; FILE AUDIT RESULTS

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Page 9

INT000124

## SECTION D - MARKETING

## 1. Local Store Marketing

Y
Y
N
Y

- a) Is the location spending the appropriate amount of LSM dollars?  
b) Are current marketing supplies on hand in the Location?  
c) Is the Local Store Marketing Binder accessible, current, and productive?  
d) Is the pin map current and complete with legend?

N
Y
N

Are the Competitor Surveys updated every 6 months and when a competitor moves in?

- e) Is the referral program in place and used correctly?  
f) Are on / off site events being planned with the approval of the Regulatory and Marketing Departments?  
g) Is the current marketing program being used effectively?

## 2. Growth Standards

Checks Last

Checks This Year, Same			Variance
Year	Day		
200	200		-31

N
---

- a) Is the location meeting its expectations for growth?

5
0

## Comments

1- Daily/Weekly Tracking sheets in complete. 2- Team Members Marketing program sheets not available. 3- No evidence of Street Marketing, Tear Sheet Route, Flyer Route, exist. find proof of any Marketing Activity. When asked Manager Diane Murphy produced a one page sheet of paper with one set of apartments where door hanger were placed with a date of 12/13/04 as the date of the marketing activity. No other proof was presented. She said she had other sheets with information on them but did not know what happened to them.  
THE REQUIRED MARKETING PROGRAM (ACTIVITY) IS NOT BEING WORKED THEREFORE, IT IS INEFFECTIVE. THIS IS A REPEAT FINDING FROM THE PREVIOUS DDO AUDIT  
DATED 11/2/04  
CONCLUSION:

## Action Plan

Who: Diane Murphy

Target Date:

Immediate

Person(s) Responsible  
For Training:

Diane Murphy

Specific Steps for Compliance:

Operations Manual  
Policy Reference:

LSM and Division Plan

You have 2 weeks to establish the marketing program as outlined in the LSM Manual and the Division Marketing Guidelines.

## SECTION D - MARKETING RESULTS

Total Possible Points	Total Points for Correct Questions
15	7
Section Score	46.7%

Rev. 9/20/04

Page 10

INT000125

## SECTION E - COLLECTIONS

## 1. Collection Practices

Y
Y
Y
N
Y
Y
Y
N
Y
Y
Y
Y
N
Y
Y
Y

- a) Is the "Quick Update" being used before every transaction (home phone or work phone or address)?
- b) Are funds verified daily on ALL uncommitted accounts (Overdue, NSF, less 6 months of Charge Offs)?
- c) Are collection calls made (in compliance with Operations Manual)?
- d) Are all collection efforts being recorded in Advantage through the use of the Collections Module?
- e) Do all PTPs have Date, Time, Dollar Amount, and employee's initials?
- f) Are recorded collection efforts complete and compliant, per Operations Manual?
- g) Are reminder calls made and documented each day?
- h) Are Team Members adhering to all company collection practices?
- i) Are NSFs and repositied checks posted immediately upon receipt of the physical item, if not done by CSS?
- j) Are customers contacted by phone/ letter the day the Location is notified about NSF?
- k) Is there a correct copy of the NSF notice in the customer's file?
- l) Are field calls done when necessary?
- m) Do all legal action files have the necessary documented approval?
- n) Has all required follow-up been completed on pending legal cases?
- o) Have all refunds been issued per policy?

Assigned Point Value	Points Earned
1	1
1	1
4	4
1	0
1	1
4	4
1	0
5	5
3	3
1	0
3	3
3	3
5	5

## 2. Collection Standards

N
---

- a) Is location meeting region's collection standards (BB%, NSF%, CO%)?

5	0
---	---

## Comments

NSF 10.9%, WO 18.5% MTD and 19.1% YTD, Pay to Charge Ratio = .33 (33%). Large time lapse between collection activity on Written Off Customers. Field Calls are not being made timely. Collection program not being work properly and effectively on Written off Customers. REPEAT FINDING FROM PREVIOUS ODO AUDIT DATED 11/20/04

## Action Plan

Who: Diane Murphy

Target Date: 1/3/2005

Person(s) Responsible For Training: Diane Murphy

Specific Steps for Compliance:

Operations Manual Policy Reference:

Bring NSF and Write off into compliance by following good collection practices outlined in the Company, Region, and Division collection plan.

Total Possible Points	48
Total Points for Correct Questions	38
Section Score	82.6%

## SECTION E - COLLECTIONS RESULTS

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Page 11

INT000126

# SUMMARY OF RESULTS

	Total Possible Points	Total Points for Correct Questions	Section Score
<b>SECTION A - DAILY OPERATIONS</b>	219	219	100.0%
<b>SECTION B - SECURITY</b>	42	42	100.0%
<b>SECTION C - CHECK &amp; FILE AUDIT</b>	115	111	96.5%
<b>SECTION D - MARKETING</b>	18	7	48.7%
<b>SECTION E - COLLECTIONS</b>	46	36	82.8%
<b>SECTION F - STATE COMPLIANCE</b>	33	33	100.0%

Total Possible Points	Total Points Earned
<b>470</b>	<b>450</b>

To Maintain Form Integrity, Rename This File Before Saving it.

HR001

LOCATION/MANAGER SIGNATURE

DIVISIONAL DIRECTOR / AREA MANAGER SIGNATURE

"I acknowledge that I have received and reviewed the DDO Audit with the Divisional Director/Area Manager named above and I understand the standards by which the location and I are measured. Furthermore, I agree to correct any deficiencies documented within this audit. Failure to do so could lead to disciplinary action up to and including termination.

Total Questions Missed for Manipulation / Crime Violation / Nonverbal Standards	2	1	0
Total Questions Missed for Cash Control / Security / Potential State Law Implications			

These totals assume completion of the audit and the earning of points.

JAN. 17. 2003 12:47AM  
JAN. 15. 2003 5:42PM

NO. 924 P. 1/1

ADVANCE AMERICA  
CASH ADVANCE CENTERSNATIONAL CASH  
ADVANCE.**Acknowledgement and Proof of Acceptance of Employee Handbook**

I have read and reviewed a copy of the Company's revised Employee Handbook dated October 2002. I understand that a copy of the Employee Handbook will be filed under Section XIII of the People Manual at my location and that I will have easy access to the Employee Handbook during my scheduled work hours. I also understand that my employment is for no definite period of time and nothing in the Handbook creates an expressed or implied contract of employment. I understand that the Handbook is a brief description of the Company and an overview of its policies and rules which may be amended, modified or discontinued at any time by the Company at its discretion. I further understand that I am an "at will" employee and either the Company or I can terminate my employment at any time for any reason, with or without notice. By signing below, I acknowledge that I have read and understood the Handbook and have had an opportunity to ask questions regarding any of the Company's policies.

Branch # 11053State Alabama

Employee's Name (print)	Signature	Position	Date
<u>Dianne Murphy</u>	<u>[Signature]</u>	<u>Manager</u>	<u>1-16-03</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**NOTE: Each employee must read the new Employee Handbook, print their name, sign and date this form in the spaces provided.**

Fax the completed copy to your HR/Payroll Representative at the appropriate WinFax number on the back of this form.  
File the original copy in the back of your People Manual.



**ADVANCE AMERICA**  
CASH ADVANCE CENTERS

**DEFENDANT'S  
EXHIBIT**

**NATIONAL CASH  
ADVANCE.**

14

**Acknowledgement and Proof of Acceptance of the Anti-Harassment Policy**

By signing below, I acknowledge that I have viewed the Company's Anti-Harassment videotape dated 9/24/02 and have had an opportunity to ask questions regarding the Company's Anti-Harassment Policy. I also acknowledge that failure to comply with the Company's Anti-Harassment Policy and Procedures can result in discipline up to and including termination of my employment.

ENTERED  
1-13-03

Dianne Murphy

Employee's Name (Please print)

[Signature]

Employee's Signature

[Signature] DDO

Witness Signature

1/08/03

Date

11053

Branch

8

Region

7

Division

1/8/03

Date

**Please Check Current Position**

CSR

Assistant Manager

✓ **Branch Manager (Equivalent or Above)**

**Fax all completed acknowledgement forms to your  
HR/Payroll Representative**

**DEFENDANT'S  
EXHIBIT**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DIANE MURPHY,**

Plaintiff,

vs.

**ADVANCE AMERICA CASH ADVANCE  
CENTERS OF ALABAMA,**

Defendant.

CASE NO.: 1:05cv443-W

**PLAINTIFF'S RULE 26 INITIAL DISCLOSURES**

COMES NOW, the Plaintiff, Diane Murphy, and hereby submits her Initial Disclosures as follows:

1. Names, addresses and phone numbers of each individual likely to have discoverable information relevant to the disputed facts alleged with particularity in the pleadings identifying the subject of the information:

Diane Murphy  
Plaintiff  
c/o Griffin & Associates

Ms. Murphy is the Plaintiff in this matter.

John Knowles  
Lisa Taylor  
Edward Finnegan  
Jennifer Rodriguez  
Deborah Mercer

All of these individuals currently are, or were, employed by the Defendant during Plaintiff's employment.

Any individuals named by Defendant in its Rule 26 Initial Disclosures.  
Sara Fifie (Address unknown - customer of Defendant during Plaintiff's employment)

2. A copy of, or a description by category and location of, all documents, data compilations, and tangible things in the possession, custody, or control of the party that are relevant to disputed facts alleged with particularity in the pleadings:

Termination Report.

Manager of the Month Awards for June and July 2003.

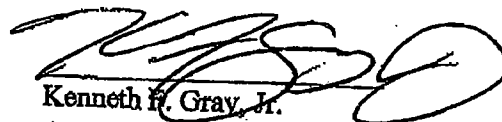
Keys to Success Awards for April, May, June and July 2003.

3. A compilation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34; the documents or other evidentiary material, nor privileged or protected from disclosure, on which such computation is based including materials bearing on the nature and extent of injuries suffered:

Plaintiff seeks damages for lost wages, backpay, compensatory and punitive damages and attorneys' fees. Plaintiff's rate of pay was approximately \$11.61/hour for a 40 hour week. Plaintiff has not been employed since her employment with the Defendant ended. Plaintiff has applied for work but has not yet received a position. Plaintiff is currently attending school.

4. Disclose the existence and extent of coverage of any insurance agreement under any insurer may be liable to satisfy part or all of a judgment which may be entered against said party in the action or to indemnify or reimburse said party for payments made to satisfy the judgment.

N/A.

  
Kenneth R. Gray, Jr.  
Attorney for Plaintiff

OF COUNSEL:  
GRIFFIN & ASSOCIATES  
2100 River Haven Drive  
Suite 1  
Hoover, Alabama 35244  
(205) 402-7476

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing was sent to all counsel listed below via Facsimile and U.S. Mail, this the 7th day of October, 2005.

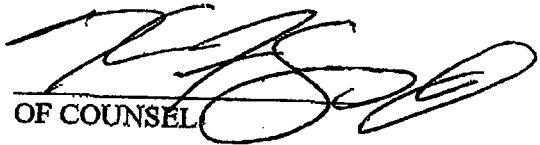
**FACSIMILE: (901) 767-7411**

James R. Mulroy, II, Esq.

Lewis, Fisher, Henderson, Claxton & Mulroy, LLP

6410 Poplar Ave., Ste. 300

Memphis, Tennessee 38119

  
OF COUNSEL


**ADVANCE AMERICA**  
 CASH ADVANCE CENTERS

### Termination Report

<b>MURPHY</b>		<b>DIANNE</b>		
Last Name		First		Middle
<b>1622</b>	<b>12/29/2004</b>			
Location #	Termination Effective Date		P - Poor Performance	
Type of Separation:		Resignation:		Termination Code
Other:				Dismissal: <b>X</b>
Reason for Termination:		Rehire? No		

- (1) - Violation of Company Policy and the FDCPA. I.e. Refusal to allow customer to rewrite without justification.  
 (2) - Failure to follow instructions. I.e. Failure to set up a Center Marketing Plan as directed.  
 (3) - Non compliance of the Company Collection Policy.

#### Employee Evaluation (mark appropriate boxes)

	Unsatisfactory	Fair	Satisfactory	Good	Excellent
Attendance				<b>X</b>	
Cooperation			<b>X</b>		
Initiative	<b>X</b>				
Job Knowledge				<b>X</b>	
Quality of Work	<b>X</b>				
Company Property (I.E. Keys) accounted for?		Yes	<b>X</b>	No	
Security Codes, Changed?		Yes	<b>X</b>	No	
Bank Authorization, Changed?		Yes	<b>X</b>	No	
Computer Codes, Changed?		Yes	<b>X</b>	No	
Emergency Contact List, Changed?		Yes	<b>X</b>	No	

Employee Comments: *I do not agree & do not think this decision was made fairly*

Employee Signature / Date

*[Signature]* 12/29/04

Witness Signature / Date

*[Signature]* 12/29/04  
 DDO/RDO or COO Signature / Date

If final pay check is needed touch here to complete

 Please note: All terminations must be approved in advance by a second level of management. (DDO, RDO, COO)  
 Email Completed Copy to your Designated HR Representative ~ 4/03



ST/05/06  
JOURNAL  
NO. 2  
DESTINATION

CERTIFICATE OF  
ACHIEVEMENT

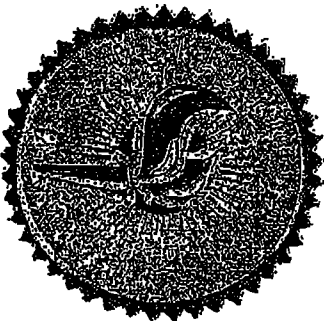
In recognition of  
outstanding achievement as

MANAGER OF THE MONTH  
June 2003

the undersigned does hereby grant this  
Certificate Of Achievement To

**DIANNE MURPHY**

*John Knowles*  
John Knowles,  
DDO R8 D7



June 30, 2003

No. 8822 P. 7/11

GRIFFIN & ASSOCIATES

Oct. 7. 2005 4:16PM

ATTITUDE

IS A

LITTLE

THING

THAT

MAKES

A BIG

DIFFERENCE.

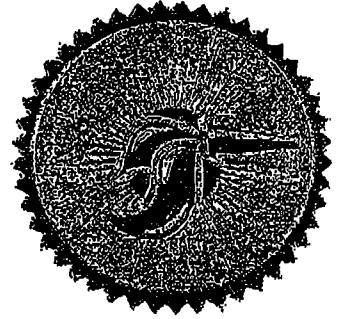
# CERTIFICATE OF ACHIEVEMENT

In recognition of  
outstanding achievement as

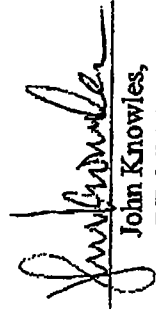
**MANAGER OF THE MONTH**  
**July 2003**

the undersigned does hereby grant this  
Certificate Of Achievement To

**DIANNE MURPHY**



June 30, 2003

  
John Knowles,  
DDO R8 D7



# KEYS TO SUCCESS

## AWARD

July 2003

Presented To

**DIANNE MURPHY**

and

**Team 1653 ~ Ozark AL**

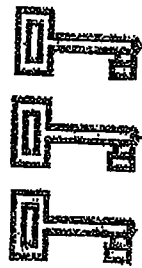
*"Excelled in all areas designated as keys to success"*



"Celebrating Winners"

*John Knowles*  
John Knowles  
DDO R8 D7





# KEYS TO SUCCESS

AWARD

June 2003

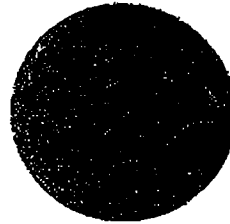
Presented To

**DIANNE MURPHY**


and

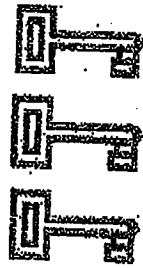
**Team 1653 ~ Ozark AL**

*"Excelled in all areas designated as keys to success"*



"Celebrating Winners"

  
John Knowles  
DDO R8 D7



# KEYS TO SUCCESS

AWARD

April 2003

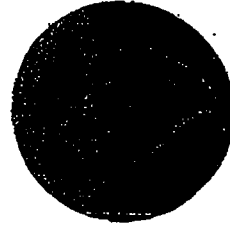
Presented To

**DIANNE MURPHY**


and

**Team 1653 ~ Ozark AL**

*"Excelled in all areas designated as keys to success"*



"Celebrating Winners"

  
JOHN KNOWLES  
DDO R8 D7





# KEYS TO SUCCESS

AWARD

May 2003

Presented To

**DIANNE MURPHY**


and

**Team 1653 ~ Ozark AL**

*"Excelled in all areas designated as keys to success"*



"Celebrating Winners"

  
John Knowles  
DDO R8 D7



U.S. 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

Diane Murphy

## SUMMONS IN A CIVIL ACTION

V.

Advance America Cash Advance  
Centers of Alabama, Inc

CASE NUMBER.

1:05cv443-W

DEFENDANT'S  
EXHIBIT

16

TO: (Name and address of Defendant) -

Advance America Cash Advance Centers of Alabama, Inc.,  
c/o National Registered Agents, Inc.  
150 South Perry Street  
Montgomery, AL 36104-4045

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Kenneth F. Gray, Jr., Esq.  
Stephen B. Griffin & Associates  
2100 Riverhaven Drive  
Suite 1  
Hoover, AL 35244-2532

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service

Debra P. Hackett

5-16-05

CLERK

Challene Campbell

DATE

(By) DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT COURT OF ALABAMA  
SOUTHERN DIVISION

RECEIVED

2005 MAY 11 P 2: 23

DIANE MURPHY,

Plaintiff,

v

ADVANCE AMERICA CASH ADVANCE  
CENTERS OF ALABAMA, INC.,

Defendant.

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

CIVIL ACTION NO.:

1:05cv443-W

**DEMAND FOR JURY TRIAL**

COMPLAINT

1. Plaintiff is a citizen of the state of Alabama, and a resident of Enterprise, Alabama.
2. Defendant, Advance America Cash Advance Centers of Alabama, Inc., is a corporate entity doing business in Alabama.
3. This is an action for declaratory judgment and damages under 42 U S C sec. 1981 and 42 U.S.C. sec. 1988
4. This court has jurisdiction of this proceeding under 42 U S C. sec. 1981, 28 U.S.C. secs. 1331, 1332, 1337 and 1343.
5. Plaintiff is an African-American citizen of the United States and is a resident of the State of Alabama.

6. The Defendant is an employer within the meaning of 42 U S C. sec 1981 and employs the required number of employees at all times relevant to this action.
7. Venue lies in the United States District Court, Middle District of Alabama, Southern Division.
8. Plaintiff began her employment with the Defendant on or about March 27, 2000. During the course of her employment with the Defendant, Plaintiff was passed up for at least two management positions which she applied for. These management positions were instead given to less qualified Caucasian individuals. Plaintiff has been threatened with termination during the course of her employment by her supervisor, John Knowles (Caucasian) for acts she did not commit. Plaintiff was finally moved into a management position after several complaints to the Defendant's corporate office. Plaintiff was given the manager position for the Defendant's Ozark location. Plaintiff turned this store around from the poor shape it had been in under the previous manager. Plaintiff was then taken out of this store by Mr. Knowles and moved her to the Enterprise location, which was in poor shape. Plaintiff did not want to be transferred but Mr. Knowles told her that was "too bad." Within one month of being moved to the Enterprise location, Plaintiff was terminated for allegedly not having a marketing plan. Plaintiff was terminated on or about December 29, 2004. Yet the prior Caucasian managers at that location for the previous

two years did not have marketing plans. Plaintiff was made to clean toilets and conduct door to door marketing while Caucasian managers were not. Plaintiff was given less employee support than Caucasian managers. Plaintiff was paid less than similarly situated Caucasian employees with less experience. Caucasian managers were paid overtime while the Plaintiff was not.

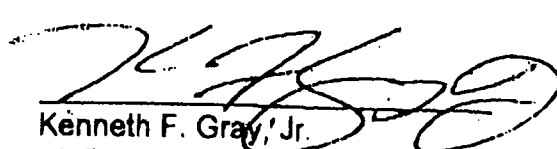
Plaintiff had always performed her job with distinction. Plaintiff has been discriminated against because of her race, African-American, in violation of 42 U.S.C. sec. 1981. Plaintiff has been subjected to disparate treatment and a hostile work environment because of her race, African-American.

9. As a result of the Defendant's discrimination, Plaintiff has suffered mental and emotional distress. Plaintiff has also suffered lost wages.
10. Plaintiff alleges that the acts of the Defendant were willful and intentional and that the Plaintiff is entitled to punitive damages pursuant to 42 U S C sec. 1981.

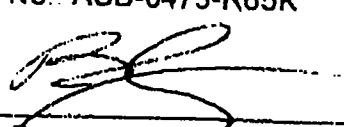
WHEREFORE, Plaintiff prays for the following.

- a. Injunctive relief and reinstatement to her rightful position with all benefits and seniority restored.

- b. A judgment declaring that the treatment of Plaintiff by the Defendant was an unlawful employment practice under 42 U.S.C. sec. 1981;
- c. Backpay, lost wages and benefits, compensatory damages for lost wages and mental distress and punitive damages for willful conduct under 42 U.S.C. sec. 1981;
- d. Plaintiff also prays that the Court award Plaintiff costs and expenses of this action and award Plaintiff reasonable attorneys' fees,
- e. And such other relief that this Court deems proper.



Kenneth F. Gray, Jr.  
AL Bar No.: ASB-0475-R65K



Bret M. Gray  
AL Bar No.: ASB-3837-G54B

**OF COUNSEL:**  
GRIFFIN & ASSOCIATES  
2100 River Haven Drive  
Suite 1  
Hoover, AL 35244  
(205) 402-7476

**PLAINTIFF DEMANDS A TRIAL BY JURY FOR ALL**

**THE ISSUES AND DEMANDS IN THIS CAUSE****PLAINTIFF'S ADDRESS:**

c/o GRIFFIN & ASSOCIATES  
2100 River Haven Drive  
Suite 1  
Hoover, AL 35244

**PLEASE SERVE DEFENDANTS BY CERTIFIED MAIL:**

Advance America Cash Advance Centers of Alabama, Inc.  
c/o National Registered Agents, Inc.  
150 South Perry Street  
Montgomery, AL 36104-4045